

## How to Prepare for an Inspection

Amy Mann, P.E.
Engineering & Compliance Section
Delaware Department of Natural Resources
and Environmental Control
Division of Air Quality







## What Will I Talk About Today?

- What is an Inspection?
- Types of Inspections
- Pre-Inspection
- On-Site Inspection
- Records Review
- Follow-Up
- Inspection Requirements for DAQ





## What is an Inspection?

- Visit to a facility or site to gather information to determine if it is in compliance.
- Inspections include both off-site and on-site portions.
- The off-site portion of an inspection typically includes document review and discussion
- The on-site portion of the inspection may include:
  - interviewing facility or site representatives,
  - reviewing records and reports,
  - taking photographs,
  - collecting samples, and
  - observing facility or site operations.



## Partnership

- DAQ considers itself a partner in compliance
- The best inspections are those resulting in compliance
- DAQ is committed to being respectful and professional on all inspections



September 19, 2022





# Construction to Operation (C to O) Inspection

- After new equipment is constructed, it must be inspected before an operating permit is issued and operation can begin
- The C to O inspection will ensure:
  - The equipment in the application was the equipment that was installed
  - The equipment is in good working order
  - The facility understands the requirements of the permit
  - The facility is prepared to conduct emission calculations and maintain records as required by the permit



## C to O Inspection

- Prior to the C to O inspection the equipment may be operated only for troubleshooting, testing, tweaking, etc.
- The equipment may not be operated for production!!
- If all is well... The Operation Permit will be issued as soon as possible following a successful inspection.
- Permit writers MAY NOT give a company an operating permit during the Construction to Operation Inspection or issue verbal permission to operate.



## Full Compliance Evaluation

- The Environmental Protection Agency (EPA) has specific requirements for an inspection to count as a Full Compliance Evaluation (FCE):
  - All equipment covered by the permit that is in operation must be evaluated
  - All required reports and the underlying records must be reviewed
  - An assessment of process parameters, such as feed rates, raw material compositions, and process rates must be conducted
  - Opacity and odor observations must be conducted

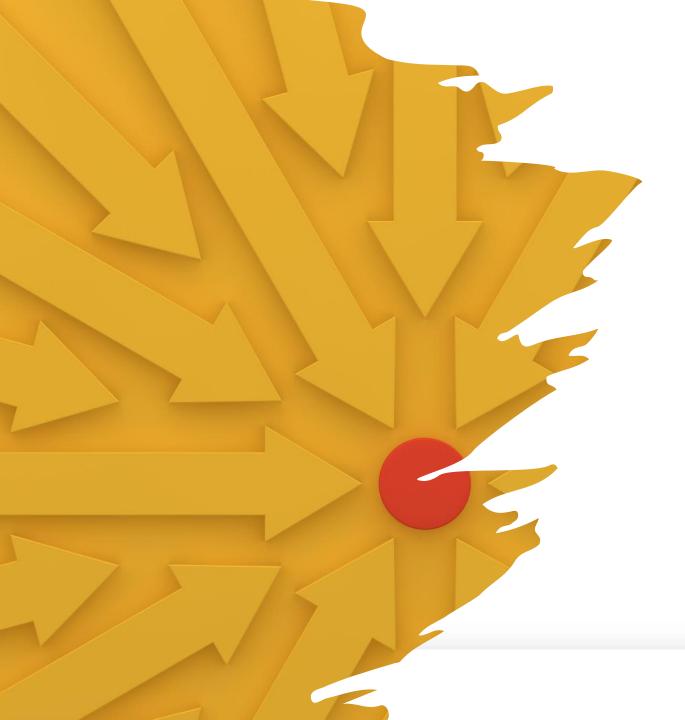


## Partial Compliance Evaluation (PCE)

- A PCE incorporates some of the requirements of an FCE
- A PCE may be conducted for specific equipment only
- A PCE may only include record review
- Multiple PCEs may be combined to meet the requirements of an FCE







## Complaint Follow-Up

- If DAQ receives a complaint about a facility a follow-up inspection may be conducted
- The complaint follow-up inspection will:
  - Confirm the complaint
  - Investigate possible causes of the complaint
  - Discuss potential solutions to resolve the issue





## Setting Up the Inspection

- Inspections may or may not be announced
- If an inspection is announced DAQ will reach out to schedule it
- When selecting a day and time for the inspection please consider:
  - Operating schedules
  - Equipment maintenance
  - Equipment down-time
- If all of the equipment can't be observed in operation DAQ may have to return



## Personal Protective Equipment (PPE)

- DAQ personnel have the following PPE:
  - Hard hats
  - Safety shoes
  - Safety glasses
  - Hearing protection
  - High visibility vests
  - Nomex coveralls
- Please provide any required PPE that is not listed
- Please note that DAQ will never provide breathing apparatus PPE





## Site Entry Requirements

- Please provide DAQ personnel with any site entry requirements including:
  - Required PPE
  - Required site training
  - Where to park
  - Where to meet
  - Covid protocols



## Covid Vaccination Requirements

- DAQ employees are not required to be vaccinated
- DAQ management can't ask about an employee's vaccination status
- If your site requires proof of vaccination, DAQ may elect to share that information with you
- Issues are handled on a case-by-case basis



#### Records Review

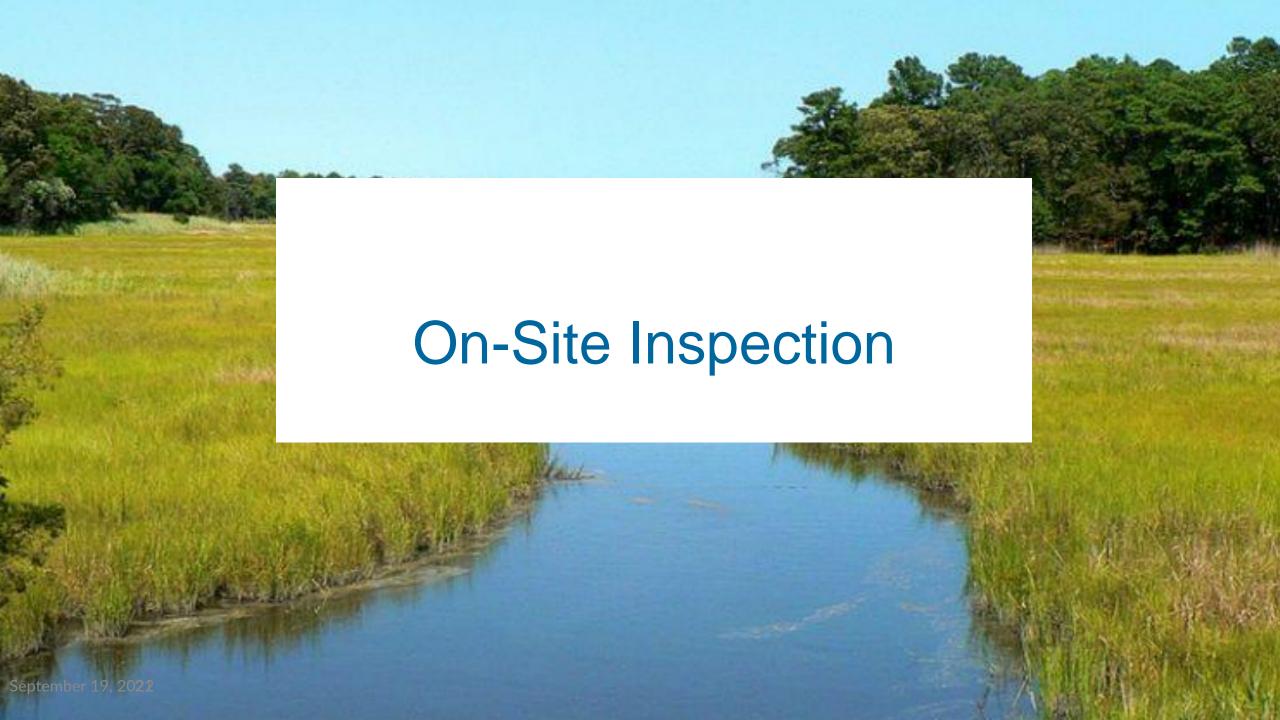
- Prior to the inspection, DAQ personnel may reach out with a list of records that will be reviewed
- Providing this information in a timely fashion will help expedite the inspection
- Providing Excel spreadsheets with the formulas available for review will help expedite the inspection
- DAQ personnel have the right to review ALL records on site



#### Review Permit

- It is a requirement of all permits that a copy of the permit be maintained on site
- Read your permit prior to the inspection to be sure you understand all permit conditions
- If you don't understand a permit condition reach out to DAQ





#### **Overall Site Evaluation**

- DAQ personnel will complete a full site walkthrough to observe
  - General housekeeping
  - General safety practices
  - Opacity
  - Odor
  - Fugitive dust
  - Equipment that may need a permit
  - Etc.
- Please plan to escort DAQ personnel around the entire site
- Golf carts or other equipment may be used to facilitate the site walkthrough



## Permitted Equipment Evaluation

- DAQ personnel will evaluate all equipment that is permitted
- This evaluation will include:
  - Observation of the equipment in operation
  - General maintenance
  - Work practices
  - Gauges
  - Logs maintained at or near the equipment
  - Visible emissions
  - Odors
- DAQ personnel may need to climb ladders or traverse walkways to observe equipment
- DAQ personnel will NEVER enter a confined space



#### Interviews

- DAQ personnel may interview site representatives
- Questions may include:
  - Describing a standard process
  - Describing maintenance
  - Common errors
  - How calculations are conducted
  - How, where, and how often measurements are taken
  - Etc.



#### On-Site Record Review

- Some records may only be available on-site
  - Equipment monitoring records
  - Safety Data Sheets (SDSs)
  - Operation Manuals
  - Standard Operating Procedures
  - Etc.
- DAQ will review these records



## Stack Testing

- Some permits require that stack testing be conducted
- Stack testing must be conducted pursuant to approved EPA test methods
- A stack testing protocol must be reviewed and approved by DAQ
- All stack tests must be observed by DAQ so be sure to coordinate the test date with the stack testing team
- All stack test reports must be reviewed by DAQ





#### Records Review

- The records review may be the most important part of an inspection
- Used to determine compliance on all of the days that DAQ can't be onsite
- Records must demonstrate compliance with operational limitations, testing and monitoring requirements, and emission limitations
- Records review is where most violations are noted
- IF YOU DON'T HAVE RECORDS TO DOCUMENT COMPLIANCE YOU ARE NOT IN COMPLIANCE





Share all requested records in a timely fashion

### **Good Practice**

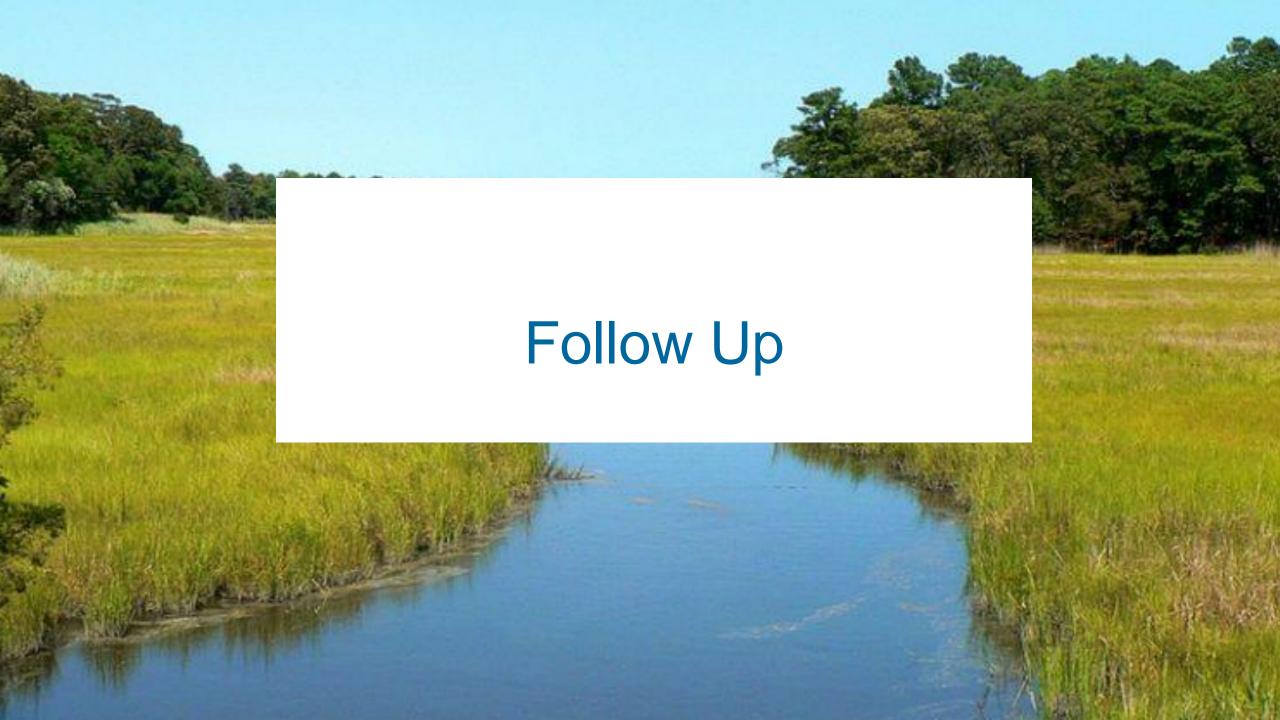


Share excel spreadsheets, standard operating procedures and calculation methodologies to support the record review



Be willing to answer questions about the records





## Additional Information Requests

- Observations made during the inspection and/or records review may generate additional questions
- DAQ will reach out with any questions and specify what is required to answer the questions
- You must answer the questions in a timely fashion
- DAQ has reporting and timeliness deadlines set by EPA. Failure to respond to an information request may result in additional oversight by EPA.



## Inspection Findings Letter

- Once all questions have been answered DAQ will issue an operating permit or findings letter
- An operating permit will be issued for a C to O inspection
  - If you receive the operating permit that indicates compliance
- A findings letter will be issued for other inspections
- Findings may be:
  - In compliance
  - Deviations
  - Violations
  - Deviations and violations



#### **Deviations**

- If deviations are found DAQ will include corrective actions in the findings letter
- It is important to address the corrective actions in the findings letter by the deadline specified in the letter
- Deviations may become violations if they are not addressed



#### **Violations**

- If violations are found DAQ will include corrective actions in the findings letter
- It is important to address the corrective actions in the findings letter by the deadline specified in the letter
- The severity of the violations and the degree of cooperation in addressing them is considered in enforcement action
- Violations will result in a separate Notice of Violation (NOV)





## Compliance Monitoring Strategy

- Every two years DAQ must submit a Compliance Monitoring Strategy (CMS) Plan to EPA Region III
- This plan outlines the Title V and Synthetic Minor sources that DAQ will inspect each federal fiscal year
- DAQ must inspect Title V sources every two years
- DAQ must inspect Synthetic Minor sources every five year





## Report Reviews

- DAQ must review all reports that are submitted
- Title V Annual Compliance Certifications must be sent to EPA in addition to DAQ



## State Review Framework (SRF)

- EPA conducts a full audit of DAQ's inspection and enforcement program every five years
- The next SRF review for DAQ is scheduled for federal fiscal year 2025
- This review will cover work completed in federal fiscal year 2024
- EPA reviews inspection reports and enforcement actions to ensure DAQ meets requirements
- Delaware was last inspected in federal fiscal year 2019 during which 2018 records were reviewed
- Delaware was in compliance
- Please note that the federal fiscal year runs from October 1 through September 30



## Timely and Appropriate Meetings

- DAQ must meet with EPA Region 3 quarterly to review progress on inspections, compliance and enforcement
- These meetings are used to ensure that DAQ is staying on track with all requirements





#### **ICIS-AIR**

- EPA database in which Delaware is required to report compliance and enforcement data
- EPA's public information database, ECHO, pulls data from ICIS-Air



#### Questions?



